

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CEDRIC TRUELUCK,

Plaintiff,

-v.-

Civil Action No.
9:08-cv-1205 (GLS/DEP)

NEW YORK STATE BOARD OF
PAROLE, et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

CEDRICK TRUELUCK
Plaintiff, *Pro Se*
1421 SW 27th Avenue
Apt. #2701
Ocala, Florida 34471

FOR THE DEFENDANTS:

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
The Capitol
Albany, New York 12224

CHARLES J. QUACKENBUSH,
ESQ.
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed February 23, 2010. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed¹, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed February 23, 2010 is ACCEPTED in its entirety for the reasons state therein, and it is further

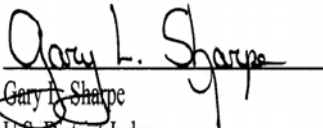
ORDERED, that defendants' motion to dismiss (Dkt. No. 32) is GRANTED and that plaintiff's complaint is dismissed in its entirety as against all defendants, with prejudice, except as to defendants Patricia Tappan, Irene Platt, and Joseph Gawloski, who are dismissed from the action on the procedural basis that plaintiff failed to effect timely service, without prejudice, and it is further

¹Plaintiff Trueluck's copy of the report-recommendation was returned undeliverable as addressed...unable to forward. *See Dkt. No. 37*. Plaintiff was previously warned of the consequences for his failure to update the court of his current address. *See Dkt. Nos. 4 and 7*. In fact, while this litigation has been pending, the plaintiff previously updated his address in compliance with the court's January 26, 2009 order. *See Dkt. No. 8*.

ORDERED, that the Clerk of the court serve a copy of this order upon the parties in accordance with this court's local rules.

IT IS SO ORDERED.

Dated: April 1, 2010
Albany, New York



Gary L. Sharpe
U.S. District Judge